Per G.S. Singhvi, CJ

This appeal is directed against order dated 29-11-2005 passed by the learned Single Judge in W.P. No.20784 of 2005 whereby he rejected the petitioner's prayer for issuance of a mandamus to the State Government to issue essentiality certificate.

After arguing the case for some time, learned counsel for the appellant made a request that his client may be permitted to withdraw this appeal as also the writ petition with liberty to file fresh petition questioning the vires/validity of the Andhra Pradesh Unaided Private Medical and Dental Colleges (Establishment, Management and Administration) Rules, 1992 (for short 'the Rules') on the ground that the same are *ultra vires* of Section 10A of the Indian Medical Council Act, 1956 and for grant of consequential benefits.

Learned Government Pleader says that he does not have any serious objection to the acceptance of the request made on behalf of the appellant.

In view of the above, this appeal as also W.P. No.20784 of 2005 are dismissed as withdrawn with liberty to the appellant to file fresh petition on the same cause and also make additional prayer for striking down the Rules framed by the State Government.

G.S. SINGHVI, C.J.

Date:19-12-2005

R. SUBHASH REDDY, J

PV /svs

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL No.2486 OF 2005

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AND

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WRIT PETITION No.20784 OF 2005

Between:

Anil Neerukonda Educational Society

Regd. No.2314/2000,

Rep. by its President, Dr. Neerukonda B.R. Prasad,

Door No.10-50-18/1 (15), 2nd Floor,

Siripuram Towers, Siripuram Junction,

Visakhapatnam – 3.

.. Appellant/Petitioner

AND

The Government of A.P.,

Rep. by its Principal Secretary,

Health, Medical and Family Welfare Department,

Secretariat, Hyderabad & another.

.. Respondents/Respondents

::JUDGMENT::

Counsel for the Appellant/Petitioner : Mr. K.G.K. Prasad

Counsel for Respondent No.1 : G.P. for Medical, Health & Family Welfare

Counsel for Respondent No.2: Mr. A. Rajasekhar Reddy,
Asst. Solicitor General

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19th December, 2005